

REMARKS

## I. INTRODUCTION

In response to the Office Action dated July 21, 2010, claims 110 and 119 have been amended and claim 128 has been added. Claims 110-128 are in the application. Entry of these amendments, and re-consideration of the application, as amended, are respectfully requested.

## II. CLAIM AMENDMENTS

Applicants' attorney has made amendments to the claims as indicated above. Unless otherwise indicated, these amendments were made solely for the purpose of clarifying the language of the claims, and were not required for patentability or to distinguish the claims over the prior art.

## III. PRIOR ART REJECTIONS

In paragraphs (2)-(3) of the Office Action, claims 110-113, 117-122, and 126-127 were rejected under 35 U.S.C. §103(a) as being unpatentable over Browne et al., WO 92/22983 (Browne) in view of Knudson et al., U.S. Publication No. 20050204388 (Knudson) and Hoffberg et al., U.S. Patent No. 5,901,246 (Hoffberg). In paragraph (4) of the Office Action, claims 114-116 and 123-125 were rejected under 35 U.S.C. §103(a) as being unpatentable over Browne in view of Knudson and Hoffberg as applied to claims 110 and 119, and further in view of Vallone et al., U.S. Patent No. 6,847,778 (Vallone).

Applicants respectfully traverse these rejections.

The Browne Reference

Browne is cited as teaching an apparatus and method of processing available content. Browne is admittedly silent on the step of tracking a list of recorded programs for duplicates when the record operation is initiated and activating a previously selected user identified preference and selectively erasing and terminating the current recording of a program based on the previously selected user-identified preference for criteria that is identified as a duplicate.

The Knudson Reference

Knudson is cited as allowing a user to indicate a recording preference for programs. Specifically, Knudson is cited as follows:

[0085] In addition to episode/series record option 142, program record screen 140 may also contain other user-selectable record options, **provided that the selected program is a program series and the user has selected to record the entire series. These record options allow the user to specify which episodes of the program series the user wishes to record.** For example, program record screen 140 may contain program channel option 145, program day option 146, and program type option 147. **However, these record options may not be selectable by the user if the selected program is a single broadcast event or if the selected program is a program series and the user wishes to schedule a recording for a single episode of the series.** At any time during completion of program record screen 140, the user may cancel the record order by selecting cancel option 148. Selecting cancel option 148 returns the user to display 70 of FIG. 6 or another previous screen. The user may also access program reminder screen 90 of FIG. 10 by selecting reminders option 149. Moreover, the user may deselect any previously selected option by positioning highlight region 95 on the selected option and pressing the enter button on remote control 40.

[0087] Upon completing program record screen 140, the user may submit a record order for processing by selecting OK option 144. Selecting OK option 144 directs the program guide to process the request. Set-top box 28 may contain control circuitry to process and store each request submitted by the user. In a client-server architecture implementation, the processing and storing of requests may be performed at the server. **The system initially searches the existing database for all programs and episodes matching the criteria specified by the user. The system will then schedule a recording for each matching program or episode.** Moreover, if any existing information has changed or has been updated or if any new information has been added, the system will again examine the **user criteria and schedule a recording (or update or delete an existing recording) for each new or updated program or episode.** Set-top box 28 of FIG. 2 will send recording control signals to videocassette recorder 32 via line 30 to direct videocassette recorder 32 to initiate recording of the program or series episode at the proper recording time.

The Hoffberg Reference

Hoffberg is cited as teaching maintaining a full library of episodes without duplicating episodes.

The Vallone Reference

Vallone is cited as teaching a trick play bar.

The Claims Are Patentable Over The Cited References

The present claims describe a method and apparatus for processing available content. A method in accordance with one or more claimed embodiments comprises receiving the available content using one or more tuners, and performing a plurality of operations on the available content received from the one or more tuners, the plurality of operations including setting a user-identified preference for criteria related to the available content, the criteria comprising tags embedded in an electronic program guide, selecting at least one recorded event from the available content based on thumbnail, preview, or snippet, tracking a list of previously recorded programs for duplicates when a record operation for a current recording is initiated, activating the previously selected user-identified preference for criteria, and selectively terminating and erasing the current recording of a program based on the previously selected user-identified preference for criteria and that is identified as duplicate.

The cited references do not teach or suggest the limitations of the present claims. Specifically, the cited references do not teach or suggest at least the limitation of selectively terminating and erasing the current recording of a program on a storage medium based on the previously selected user-identified preference for criteria and that is identified as duplicate as recited in the claims.

Discussion

Applicants appreciate the thorough response to the previously submitted arguments. The Office Action maintains the rejections previously presented. Applicants continue to traverse the rejections.

It is admitted in the Office Action that Browne does not teach or suggest at least the limitation of selectively terminating and erasing the current recording of a program on a storage medium based on the previously selected user-identified preference for criteria and that is identified as duplicate as recited in the claims. Applicants agree with this portion of the characterization of Browne.

The Office Action relies upon Knudson to teach this limitation of the claims. The Office Action points to paragraphs [0085] and [0087] as teaching the limitation of selectively terminating and erasing the current recording of a program on a storage medium based on the previously selected user-identified preference for criteria and that is identified as duplicate as recited in the claims. Applicants traverse this characterization of Knudson.

Knudson states that the user submits a record order, and the set-top box 28 processes and stores the request. The system then searches the existing database for all programs and episodes matching the record criteria, and then schedules a recording for each matching program or episode. See Knudson [0087]. As the user changes the requests or adds requests to the record order, the system again reviews the database and then schedules additional recording requests, or deletes existing recording requests, for each new updated request. The Office Action reads “deletes existing recordings” as “deleting programs that have already been recorded” when, in fact, the only item that is being parsed and/or amended is **the record criteria list**. Nowhere has Knudson sent this information to the videocassette recorder 32 via line 30 to initiate deletion of the program or series episode; Knudson merely tells the videocassette recorder 32 to record whatever is in the record criteria list. No erasure or termination **of a recording** is ever performed in Knudson.

As previously argued, since Browne is admittedly silent on the user-identified preference for criteria, Browne cannot use this limitation to selectively terminate (or not) and erase (or not). Knudson discloses modification of the recording list; no comparison of this list to any previously made recording is ever performed because Knudson does not know what has been recorded on the videocassette recorder; thus, Knudson does not allow for termination or erasure from the videocassette recorder if the selected program is not in the record criteria list. The only function that Knudson can control is using the user-indicated preference to determine whether to record or not; not whether to terminate recording and erase a duplicate from the storage medium, because Knudson’s system has no knowledge of what is stored on any storage medium connected to Knudson’s system. The remaining ancillary references do not remedy this deficiency, and thus the claims are patentable over any combination of the cited references.

Specifically, the Advisory Action cites to Hoffberg as teaching tracking duplicates and erasing a program being recorded as duplicate in Col. 81, lines 61 ff. Applicants traverse this characterization of Hoffberg.

Hoffberg teaches that the “occurrence of a prospective program for recording” is buffered, and then this occurrence is compared to previously stored information. “When the episode is identified, if it is new, the **buffered broadcast information is permanently stored**; if it is previously stored, **the buffer is flushed and the occurrence is further ignored**...” Thus, Hoffberg teaches that no storage occurs until some comparison is made, and therefore termination of storage and erasure of storage cannot occur in Hoffberg.

To clarify these distinctions, Applicants have amended the claims to include language that further distinguishes the claims from the cited references and is in accordance with the arguments presented throughout prosecution of the present application. The arguments and amendments made herein are supported by the specification as filed at least in paragraphs [0056] – [0066] and [0133] – [0134].

The various elements of Applicants’ claims together provide operational advantages over the systems disclosed in Browne, Knudson, Hoffberg, and Vallone. In addition, Applicants’ invention solves problems not recognized by Browne, Knudson, Hoffberg, and Vallone.

Thus, Applicants submit that independent claims 110 and 119 are allowable over Browne, Knudson, Hoffberg, and Vallone. Further, dependent claims 111-118 and 120-127 are submitted to be allowable over Browne, Knudson, Hoffberg, and Vallone in the same manner, because they are dependent on independent claims 110 and 119, respectively, and because they contain all the limitations of the independent claims. In addition, dependent claims 111-118 and 120-127 recite additional novel elements not shown by Browne, Knudson, Hoffberg, and Vallone.

## IV. CONCLUSION

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney. The Director is authorized to charge Applicant's Deposit Account No. 50-0383 should any fees become due with this response.

Respectfully submitted,

Date: October 21, 2010

By: 

Name: Todd N. Snyder

Reg. No.: 41,320

The DIRECTV Group, Inc.  
CA/LA1/A109  
2230 E. Imperial Highway  
El Segundo, CA 90045  
(310) 964-0560